

With respect to the rejection under 35 USC 112, second paragraph, at paragraph 2 of the Official Action, Applicants respectfully note that the recited C.I. Numbers are not trademarks or tradenames. These are the numbers assigned to dyes and pigments by the Society of Dyers and Colourists with the American Association of Textile Chemists and Colourists. These designations are respectfully believed to be common knowledge to those of skill in the art.

The claims have been rejected under 35 USC 103(a) as allegedly being unpatentable over the art cited at paragraphs 5 - 7 of the Official Action. Applicants respectfully traverse these rejections.

The claimed ink composition, as defined in each of the claims, comprises an alkali-soluble colorant, a water-soluble organic solvent, water and a cationic, water-soluble resin represented by the formula (I), wherein the substituents of the formula are as recited in claim 1. Applicants have found that the claimed combination of components, including the claimed cationic, water-soluble resin having the recited formula (I), provides an ink composition that can realize an improved image possessing good water-proofness and lightfastness and having no significant feathering or bleeding. This is shown by the Examples appearing in the specification at pages 15 - 26. In particular, the specification describes on pages 15 - 24 the respective compositions of certain inks described in Examples 1 - 25. The specification also describes on pages 24 - 25 the respective compositions of the inks of Comparative Examples 1 - 3. On pages 25 - 26, the specification describes certain evaluations that were performed on the color ink sets of the Examples and Comparative Examples and, on page 26, provides a chart showing the results. Please note that, in the chart on page 26, Color Ink Sets 7 - 9 correspond to Comparative Examples 1 - 3 respectively.

From the chart on page 26 of the specification, it can be seen that the Color Ink Set 8 of Comparative Example 2 could not be ejected successfully as described in the footnote of the chart. It can also be seen from the description of Comparative Example 2 on page 24, lines 30 - 37 of the specification that Color Ink Set 8 differs from Color Ink Set 3 of Example 20 (see specification at page 22, lines 12 - 29) only with respect to the substitution of a non-substituted polyallylamine for the claimed substituted polyallylamine. From the chart on page 26 of the specification, it can also be seen that the Color Ink Set 3 of Example 20 performed well in each of the three evaluations.

From the chart on page 26 of the specification, it may also be seen that the Color Ink Set 9 of Comparative Example 3 performed poorly in the environmental stability test 3 described on page 26, lines 9 - 19 of the specification. As described in the specification at page 25, lines 1 - 7, Color Ink Set 9 is the same as the Color Ink Set 5 of Example 22 (see specification at page 23, lines 2 - 20) with the exception that polyethyleneimine was substituted for the claimed substituted polyallylamine in the Comparative Example. Color Ink Set 5 performed well on each of the evaluations as shown on the chart on page 26 of the specification.

From the above, it may be seen that the specific structure of the claimed cationic, water-soluble resin is critical to achieving an ink composition with the advantageous properties described. As shall next be discussed, the cited art does not show or suggest these results such that the results must be considered to be unexpected.

Of the references cited by the Examiner, only the Tomita et al and Nagasawa et al references have been cited as allegedly showing the claimed cationic, water-soluble resin.

However, although the claimed resin with the recited formula may be covered by the generic formulas provided by Tomita et al at column 4, lines 14 - 65, there is nothing in Tomita et al to show or suggest the selection of a cationic, water-soluble resin of the claimed formula from among the vast number of other resins described in Tomita et al having a different structure. Indeed, it is noted in this respect that the Examples in Tomita et al use only polyethylenimines that have been shown to be inferior to the claimed resins in stability (see discussion above). Given the vast number of resins encompassed by the generic formulas in Tomita et al, and the fact that Tomita et al implicitly teaches (by the Examples) that resins other than the claimed resins are preferred, a rejection relying on Tomita et al for the claimed cationic, water-soluble resin cannot set forth even a *prima facie* case of obviousness (see *In re Baird*, 29 USPQ 2d 1550 (Fed. Cir.) 1994)). In any event, even assuming that a combination of references including Tomita et al could be considered to set forth a *prima facie* case of obviousness, the evidence of record in the specification showing the unexpected results that can be achieved with resins of the recited formula would be sufficient to overcome such *prima facie* case (see discussion above).

The discussion above with respect to Tomita et al is *a fortiori* applicable to the Nagasawa et al reference since the Nagasawa et al reference discloses polyallylamines in which hydrogens on the -NH₂ group are not substituted. As discussed above, the results in the specification with respect to Color Ink Set 8 of Comparative Example 2 show the criticality of using the claimed substituted polyallylamine in the claimed combination for achieving the advantageous results described. The description in Nagasawa is manifestly insufficient to show or suggest this unexpected result.

In view of the above, all rejections and objections of record are believed to have been

successfully traversed and the application is believed to be in allowable form. An early Notice of Allowability is earnestly solicited and is believed to be fully warranted.

Respectfully submitted,

CLIFFORD J. MASS
LADAS & PARRY
26 WEST 61ST STREET
NEW YORK, NY 10023
REG. NO. 30,086 (212) 708-1890